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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

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11 UNITED STATES OF AMERICA,) No. CR-10-00479-JF
12 Plaintiff,) STIPULATION AND [PROPOSED]
13 vs.) ORDER CONTINUING HEARING DATE
14 JAVIER JARACUARO-ARELLANO,) AND EXCLUDING TIME UNDER THE
15 Defendant.) SPEEDY TRIAL ACT
16 _____)

STIPULATION

17 Defendant Javier Jaracuaro-Arellano, by and through Assistant Federal Public Defender
18 Varell L. Fuller, and the United States, by and through Special Assistant United States Attorney
19 Bradley D. Price, hereby stipulate that, with the Court's approval, the status hearing date
20 currently scheduled for Thursday, August 26, 2010, shall be continued to Thursday, September
21 2, 2010, at 9:00 a.m.

22 The reason for the requested continuance is that additional time is needed to permit
23 defense counsel to be provided with and review the audio recording of Mr. Jaracuaro-Arellano's
24 1994 deportation hearing.

25 The parties therefore agree that the time between August 26, 2010, and September 2,
26

1 2010 is excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for
2 effective preparation.

3 IT IS SO STIPULATED.

4 Dated: August 25, 2010

5 _____/s/
6 VARELL L. FULLER
Assistant Federal Public Defender

7 Dated: August 25, 2010

8 _____/s/
9 BRADLEY D. PRICE
Special Assistant United States Attorney

10 **[PROPOSED] ORDER**

11 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
12 ORDERED that the hearing currently set for August 26, 2010, shall be continued to Thursday,
13 September 2, 2010, at 9:00 a.m.

14 THE COURT FINDS that failing to exclude the time between August 26, 2010, and
15 September 2, 2010, would unreasonably deny defense counsel reasonable time necessary for
16 effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. §
3161(h)(7)(B)(iv).

17 THE COURT FURTHER FINDS that the ends of justice served by excluding the time
18 between August 26, 2010, and September 2, 2010, from computation under the Speedy Trial Act
19 outweigh the interests of the public and the defendant in a speedy trial.

20 THEREFORE, IT IS HEREBY ORDERED that the time between August 26, 2010, and
21 September 2, 2010, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §
22 3161(h)(7)(A) and (B)(iv).

23 IT IS SO ORDERED.

24 Dated: 8/25/10

25 
THE HONORABLE JEREMY FOGEL
United States District Court Judge